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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOHNNY LEE BRIGGS,

12 Plaintiff,

13 v.

14 DAVID FENSTERMAKER, et al.,

15 Defendants.
16

Case No. 1:23-cv-0140 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS, AND DIRECTING
PAYMENT OF THE FILING FEE

(Docs. 2, 8)

17 Johnny Lee Briggs seeks to hold the defendants liable for violations of his civil rights
18 pursuant to 42 U.S.C. § 1983. (Doc. 1.) On January 30, 2023, Plaintiff filed a motion to proceed
19 *in forma pauperis* in the action. (Doc. 2.) The assigned magistrate judge reviewed Plaintiff's
20 prisoner trust account statement from Wasco State Prison and noted Plaintiff had \$6,587.30 to his
21 credit. (Doc. 8 at 2.) The magistrate judge found Plaintiff was financially able to pay the filing
22 fee in this action and recommended the motion to proceed *in forma pauperis* be denied on
23 February 1, 2023. (*Id.* at 2-3.)

24 The Court served the Findings and Recommendations on Plaintiff and notified him that
25 any objections to were due within 14 days. (Doc. 8 at 3.) The Court also advised Plaintiff "that
26 failure to file objections within the specified time may result in the waiver of rights on appeal."
27 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
28 objections, and the time to do so has expired.

1 According to 28 U.S.C. § 636(b)(1)(C), the Court performed a *de novo* review of this
2 case. Having carefully reviewed the entire file, the Court concludes the Findings and
3 Recommendations are supported by the record and by proper analysis. Thus, the Court

4 **ORDERS:**

- 5 1. The Findings and Recommendations issued on February 1, 2023 (Doc. 8) are
6 **ADOPTED** in full.
- 7 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
- 8 3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full
9 the \$402.00 filing fee if he wishes to proceed with his action.
- 10 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result
11 in the dismissal of this action without prejudice.

12
13 IT IS SO ORDERED.

14 Dated: **February 23, 2023**


UNITED STATES DISTRICT JUDGE